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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/309,279 05/11/99 TAKAHASHI

T PM-260504-97

EXAMINER

MM91/0424

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LEE, Y	
ART UNIT	PAPER NUMBER

2875

DATE MAILED:

04/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/309,279

Applicant(s)

TAKAHASHI ET AL.

Examiner

Y QUACH LEE

Group Art Unit

2875

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 2/8/2001
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 to 28 is/are pending in the application.
- Of the above claim(s) 4 to 6, and 8 to 18 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 7, 19, 24 and 27 is/are rejected.
- ☒ Claim(s) 2, 3, 20 to 23, 25, 26 and 28 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Response to the election of species as set forth on page 9 of the amendment of February 8, 2001 is noted. Claims 4 to 6 and 8 to 18 directed to additional species and dependent from a generic claim will be rejoined and reconsidered upon allowance of the generic claim.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. For instance, there is no clear antecedent support for "a mix of the light scattering material and the semi-transparent synthetic resin layer forms the plurality of solid shapes uniformly arranged on the entire diffusion layer" in the specification as originally presented. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Claim Rejections - 35 USC § 112

3. Claim 27 is rejected under 35 U.S.C. 112, first paragraph, for the reason set forth in the above objection to the specification.

4. Claims 24 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 24, it is not clear what is meant by "the first mentioned transparent synthetic resin layer **includes** the **second transparent synthetic resin layer**"?

In claim 27, it is not clear how can a mix of the light scattering material and the semi-transparent synthetic resin layer form the plurality of solid shapes uniformly arranged on the entire diffusion layer? In view of page 12 of the specification, the plurality of solid shapes are formed by floated resins or particles 19 on the diffusion layer 14, 15.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson.

Erickson discloses a transparent body (36) having a transparent synthetic resin layer containing no light scattering material, a semi-transparent body (40) containing a light scattering material, a diffusion layer (38), the transparent body and the semi-transparent body jointed to form the diffusion layer therebetween defining a flat planar light emitter, and a light source (20), would inherently include an LED (column 2, lines 27 and 28), disposed at least at one side of the planar light emitter. However, Erickson does not disclose that the semi-transparent body having a semi-transparent synthetic resin layer. Note that it would have been an obvious matter of design choice to have the semi-transparent body a semi-transparent synthetic resin layer, since such a modification would have involved a change in the material of the component which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique.

7. Claims 2, 3, 20 to 23, 25, 26 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 24 and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Quach Lee whose telephone number is (703) 308-1939. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding


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should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Y.Q.
April 19, 2001


Y. Quach Lee
Patent Examiner
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